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**** Bill No. ****

Introduced By *****

By Request of *****

AN ACT AMENDING SECTIONS 52-2-301, 52-2-302, 52-2-303, 52-2-304 AND 52-2-306, MCA AND RENEWING THE MULTIAGENCY CHILDREN'S SERVICES INITIATIVE FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES, TO PROMOTE THE IDENTIFICATION OF CHILDREN WHO REQUIRE HIGH-COST SERVICES FROM MULTIPLE AGENCIES AND THE DEVELOPMENT OF NEW CARE AND TREATMENT PLANS AND SERVICES TO TREAT THEM IN THE LEAST RESTRICTIVE APPROPRIATE SETTING; SPECIFYING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AS THE LEAD AGENCY; ALLOWING PROVIDER NETWORKS TO PARTICIPATE IN THE INITIATIVE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-2-301, MCA, is amended to read:

52-2-301. State policy. The legislature declares that it is the policy of this state:

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(1) to the extent that funds are available , to provide for and encourage the development of a continuum of quality education, treatment, and services for the children of this state with multiagency service needs;

(2) to serve children with multiagency service needs either in their homes or in the least restrictive setting that is most appropriate to their needs as provided in 52-2-306 and 52-2-307;

(3) to serve children with multiagency service needs within the state and use out-of-state providers as a last resort.;

(4) to provide integrated services to children multiagency service needs;

(5) to further develop a continuum of services that will reduce the use of high-cost, highly restrictive, out-of-home residential placements; and

(6) to contain costs and increase the capacity of communities to serve children with multiagency service needs in the least restrictive setting that is most appropriate to their needs by promoting collaboration and cooperation among the agencies that provide services to children.

Section 3. Section 53-2-302, MCA, is amended to read:

52-2-302. Definitions. The following definitions apply to this part:

(1) "Child with multiagency service needs" means a child under 18 years of age who is seriously emotionally disturbed, who has a need for services that are available from more than one state agency and who is placed or imminently may be placed in an out-of-home setting.

(2) "Least restrictive setting" means a setting in which a child with multiagency service needs is served:

(a) within the child's family or community; or

(b) outside the child's family or community where the needed services are not available within the child's family or community and where the setting is determined to be the most appropriate alternative setting based on:

(i) the safety of the child and others;

(ii) ethnic and cultural norms;

(iii) preservation of the family;

(iv) services needed by the child and the family;

(v) the geographic proximity to the child's family and community if proximity is important to the child's treatment or does not adversely affect the child's treatment.

~~(3) "Local agency" means a local interagency staffing group formed pursuant to 52-2-203 or parents who are seeking~~

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Printed September 19, 2002

~~placement of a child with multiagency service needs and who is suffering from mental, behavioral, or emotional disorders.~~

~~—(4) "Managed care" means control of the provision of services to a defined population through a planned delivery system.~~

~~—(5)(3)~~ "Provider" means an agency of state or local government, a person, or a program authorized to provide treatment or services to a child with multiagency service needs.

~~(6)(4)~~ "Request for proposals" has the meaning as defined in 18-4-301.

~~(7)(5)~~ "Services" has the meaning as defined in 52-2-202.

Section 3. Section 53-2-303, MCA, is amended to read:

52-2-303. Multiagency service planning committee -- membership -- administration. (1) There is a multiagency service ~~plan~~ planning committee.

(2) The committee is composed of the following members:

(a) an appointee of the director of the department of public health and human services representing the mental health programs;

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(b) an appointee of the director of the department of public health and human services representing child protective services;

(c) an appointee of the director of the department of public health and human services representing the developmental disability programs;

(d) an appointee of the director of the department of public health and human services representing the chemical dependency treatment programs;

(e) other appointees as deemed appropriate by the director of the department of public health and human services. Such appointees may include representatives of families of children with multiagency service needs, service providers, provider networks or other interested persons or governmental agencies;

—(b)(f) an appointee of the superintendent of public instruction representing the office of public instruction;

(c)(g) an appointee of the director of the department of corrections;

(h) an appointee of the attorney general representing the youth justice council; and

(i) an appointee of the supreme court representing the youth courts.

(3) The committee is attached to the department of public health and human services for administrative purposes only as provided in 2-15-121.

(4) Except as provided in this section, the committee must be administered in accordance with 2-15-122.

Section 4. Section 53-2-304, MCA, is amended to read:

52-2-304. Committee duties. The committee established in 52-2-303 shall:

(1) assist the department in the development of the plan required by 52-2-305;

(2) develop policies aimed at allowing local agencies to access funding for services for children with multiagency service needs:

(a) that are currently provided by out-of-state providers; and

(b) who may have a future need to obtain services provided by out-of-state providers unless in-state services are developed; ~~and~~

(3) advise local agencies to ensure that the agencies comply with applicable statutes, administrative rules, and department policy in making any determination that a child

with multiagency service needs cannot be served by an in-state provider-;

(4) identify providers and provider networks qualified to serve children with multiagency service needs; and

(5) coordinate responsibility for integrated multiagency services for children with serious emotional disturbances. The coordination may include:

(a) pooling funding from federal, state, and local sources, to the extent possible, to maximize the most cost-effective use of funds to provide the appropriate services to children with multiagency needs in the least restrictive environment;

(b) applying for federal waivers and grants to improve the delivery of necessary services or to pool funds to achieve the purposes of this section;

(c) providing for multiagency data collection and analysis of data relevant to the use of services based on client needs and outcomes and using the analysis in the decision making process;

(d) developing mechanisms for the pooling of human and fiscal resources; and

(e) providing training and technical assistance, as funds permit, at the local level regarding governance and the development and delivery of integrated multiagency children's services.

Section 5. Section 53-2-306, MCA, is amended to read:

52-2-306. Out-of-state placements limited. ~~(1) Until the plan required by 52-2-305 is implemented, the department may approve the placement of a child with multiagency service needs with an out-of-state provider after October 1, 1993, only if:~~

~~—(a) the provider is located closer to the child's home than is an alternative in-state provider or equally appropriate, individualized in-state services are not available or cannot be developed for the child for up to 100% of the cost of an out-of-state provider for which application is being made or would be made on behalf of the child; and~~

~~—(b) placement of the child is approved by the local interagency staffing group formed pursuant to 52-2-203.~~

~~—(2)(1)~~ After the plan required by 52-2-305 is completed and submitted to the department, the The department shall adopt rules implementing the multiagency service placement plan. Placement of a child with multiagency service needs with an out-of-state provider may be approved by the department only if the child is placed in accordance with the rules implementing the plan.

NEW SECTION. **Section 6. Care and treatment of children**

with serious emotional disturbances -- coordination. (1) The department of public health and human services shall identify the children with serious emotional disturbances:

 (a) who are using the highest proportion of fiscal resources in the public mental health system; and

 (b) who are receiving services out of state; or

 (c) who, in order to be served in the state or in the child's home community, may require services or who have required services in the past:

 (i) from the child protective services system;

 (ii) from the developmental disabilities system;

 (iii) for mental health services as a youth adjudicated in need of intervention or delinquent from the juvenile correctional system;

 (iv) in day treatment or special education;

 (v) from public assistance; or

 (vi) from the chemical dependency system.

 (2) The department of public health and human services shall identify the children by community and coordinate organization or identification of local children's service agencies, providers and provider networks to develop care and treatment plans for these children at minimum cost. Care and

treatment plans must identify the least restrictive placements, as close to home as possible, the services required, and the responsible lead agency.

NEW SECTION. **Section 7. Provider networks.** (1) Any licensed mental health provider, subject to the limitations in law or rule, must be allowed initially to participate in a provider network.

(2) (a) A provider who chooses to participate in a provider network shall cooperate with the department of public health and human services, the multiagency service planning committee, and any existing local interagency children's service group to determine the core services it must provide.

(b) A provider network shall coordinate efforts with the department of public health and human services in developing performance-based outcomes and standards of care and mechanisms for ensuring that standards are met by all providers in the network.

(3) Providers may provide services within areas that are defined in a contract for services. A provider must participate in a provider network, unless the provider has been granted an out-of-network waiver by the department of public health and human services.

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(4) The department of public health and human services shall maintain listings of local, regional, and statewide provider networks.

NEW SECTION. **Section 8. Long-term transition to regional mental health system.** The department of public health and human services shall cooperate with the mental health oversight advisory council to respond to technical assistance recommendations received by the department to define and design new mental health structures in order to develop a continuum of core services for children with serious emotional disturbances that is integrated with other children's services and to coordinate the development of future programs for mental health services for children and adults.

NEW SECTION. **Section 9. Codification Instruction.** [Sections 6 through 8] are intended to be codified as an integral part of Title 52, chapter 2, part 3, and the provisions of Title 52, chapter 2, part 3, apply to [sections 6 through 8].

NEW SECTION. **Section 10. Effective date.** [This act] is effective on July 1, 2003.

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